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24 Attorneys for ZIGBEE ALLIANCE

25 IN THE UNITED STATES DISTRICT COURT
26 NORTHERN DISTRICT OF CALIFORNIA

27 IP CO., LLC and SIPCO, LLC,

28 Plaintiffs,

29 v.

30 CELLNET TECHNOLOGY, INC.,
31 TROPOS NETWORKS, INC., HUNT
32 TECHNOLOGIES, LLC and B&L TECH
33 COMPANY, INC.,

34 Defendants.

CASE NO. C08-80126-MMC

Civil Action File No.
1:06-CV-3048-JEC
United States District Court
For the Northern District of Georgia

**DECLARATION OF WILLIAM CHASE IN
SUPPORT OF NON-PARTY ZIGBEE
ALLIANCE'S OPPOSITION TO MOTION
TO COMPEL PRODUCTION OF
DOCUMENTS AND REQUEST FOR
SANCTIONS**

Date: TBD
Time: TBD
Court: Hon. Bernard Zimmerman

1 I, William Chase, declare as follows:

2 1. I am the Executive Director of the ZigBee Alliance ("ZigBee"). This Declaration
3 is made in support of ZigBee's Opposition to the Motion to Compel Production of Documents
4 filed by IP Co., LLC ("IPCO") and SIPCO, LLC ("SIPCO") (collectively, "IPCO"). I have
5 personal knowledge of the statements herein and could competently testify thereto.
6

7 2. At the turn of the century, wireless providers saw a need for a cost-effective,
8 standards-based wireless networking solution that supported low data-rates, low-power
9 consumption, security and reliability.

10 3. To achieve these goals, a non-profit corporation was formed called the ZigBee
11 Alliance ("ZigBee") and incorporated in 2002.

12 4. ZigBee's goal was, and is, to provide consumers with the ultimate in flexibility,
13 mobility, and ease of use by building wireless intelligence and capabilities into everyday devices,
14 such as broadband portals, utility metering systems and home thermostats.
15

16 5. Since its formation, ZigBee has become a global conglomerate of more than two
17 hundred and seventy (270) member companies creating wireless solutions for use in residential,
18 commercial and industrial applications.

19 6. ZigBee membership includes worldwide technology providers, such as Texas
20 Instruments and Motorola, as well as smaller original equipment manufacturers.
21

22 7. Attached hereto as Exhibit A is a true and correct copy of a list of all ZigBee
23 member companies, available at <http://www.zigbee.org/en/about/members.asp>.

24 8. Because of their litigious nature, IPCO were perceived by ZigBee as a threat to
25 bring litigation against ZigBee, its members, and the wireless industry.

26 9. To address IPCO's attacks on the wireless industry, ZigBee consulted DLA Piper
27 US LLP ("DLA Piper") on or about November 2005.
28

1 10. Sometime after the first meeting with DLA Piper on these issues, ZigBee
2 requested that DLA Piper review US Pat. Nos. 6,044,062 (the "062 Patent") and 6,249,516 (the
3 "'516 Patent") owned by IPCO (collectively, the "Reexamination Patents").
4

5 11. To aid DLA Piper in its review, ZigBee put DLA Piper in contact with several of
6 ZigBee's members.

7 12. ZigBee looked to its members to provide information and advice regarding IPCO
8 and its patents, and ZigBee shared such information with DLA Piper to assist in the review of the
9 Reexamination Patents.

10 13. The participation of ZigBee members in the DLA Piper review of the
11 Reexamination Patents was essential to accomplishing the task at hand.
12

13 14. ZigBee voluntarily agreed to produce documents responsive to a subpoena from
14 IPCO in order to avoid a costly motion to compel, even though such documents are arguably
15 irrelevant to this action.

16 15. At the outset of the communications between DLA Piper, ZigBee and ZigBee's
17 members regarding the Reexamination Patents, ZigBee apprised all participants of their duty to
18 keep any communications regarding the legal advice sought from DLA Piper confidential.
19

20 16. ZigBee did not share any communications regarding the legal advice sought or
21 received from DLA Piper regarding the Reexamination Patents with anyone outside of ZigBee
22 and/or ZigBee's members.
23

24 I declare under penalty of perjury that the foregoing is true and correct and that this Declaration
25 was executed on JULY 1 2008 in SAN RAMON, CALIFORNIA.
26

27 

28 William Chase

EXHIBIT A



ZigBee® Alliance

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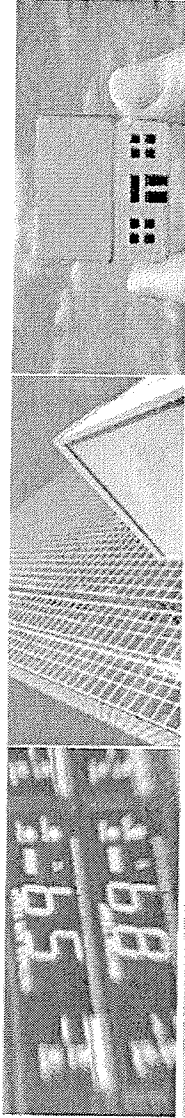
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Members' Area

ABOUT THE ALLIANCE

- > Our Mission
- > Board and Officers
- > Our Members
- > Organization Chart
- > FAQ
- > ZigBee Intro
- > Awards



Our Members



The ZigBee Alliance includes representatives from some of the finest companies and individuals in the industry. All of our members are committed to helping the Alliance achieve our mission. We offer three levels of membership (Promoter, Participant, and Adopter) and are currently accepting new members. Learn more about the benefits of ZigBee Alliance membership.

The ZigBee Alliance is a large, diverse ecosystem of companies providing everything from radio semiconductor chips, to finished products, with service, support, tools, testing and other companies in between. For a categorical breakdown of this ecosystem, click here.

Promoters

Cellnet+
Hunt

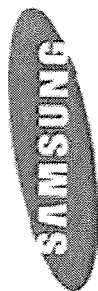
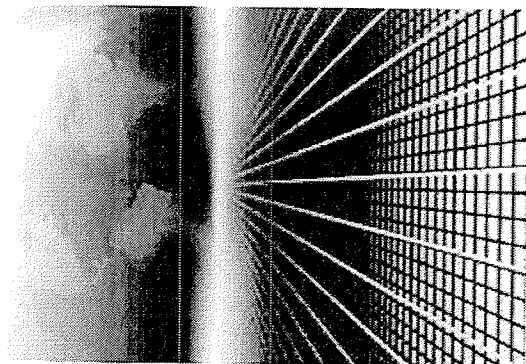
Participants | Adopters



ember

Honeywell

Ittron



PHILIPS



SIEMENS

TENDRIL



Participants



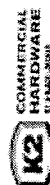
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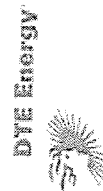
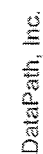
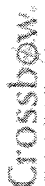
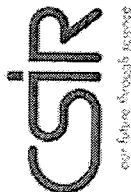
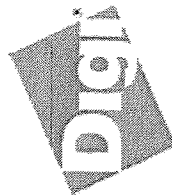


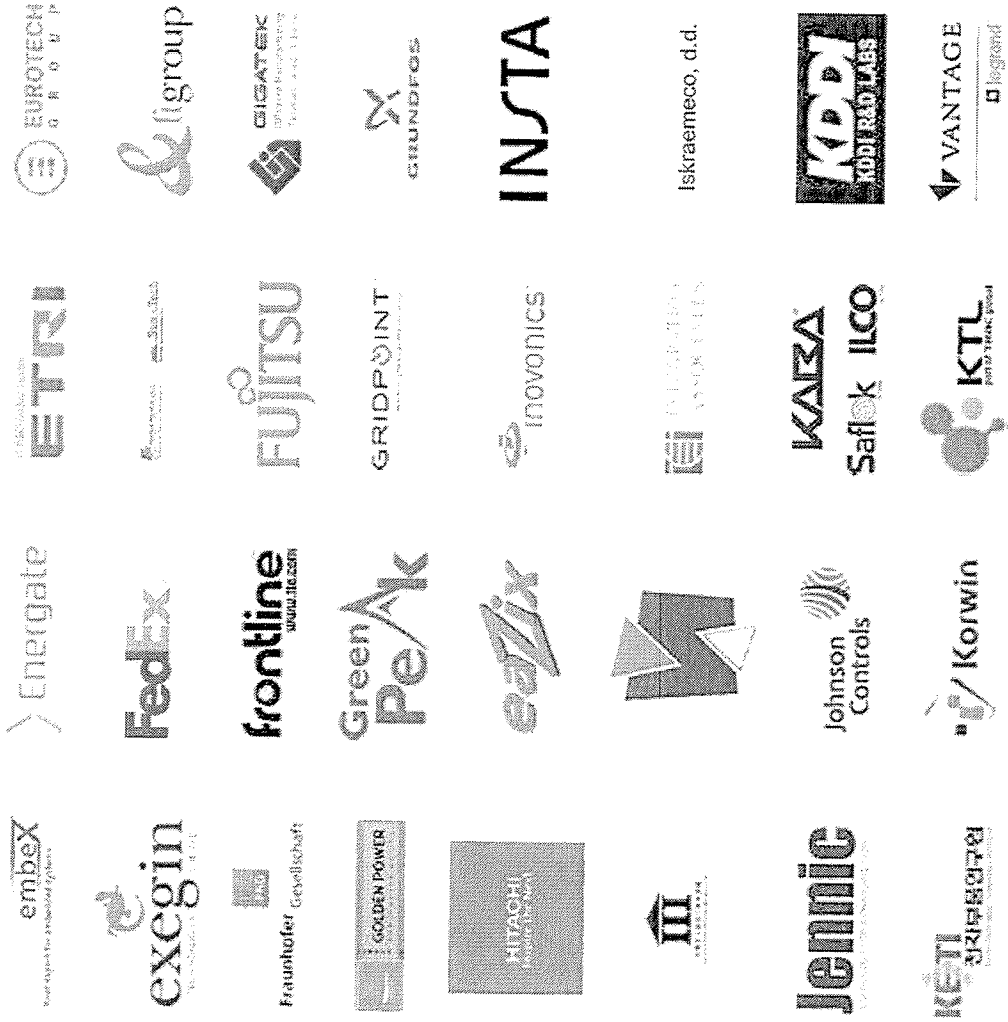
Alinta Asset
Management



Promoters | Adopters







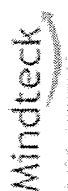


Light
Engineering Systems
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LS Industrial Systems

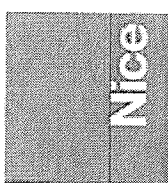


L.S. RESEARCH
POLYMER RESEARCH

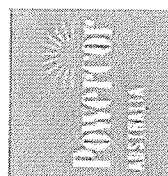


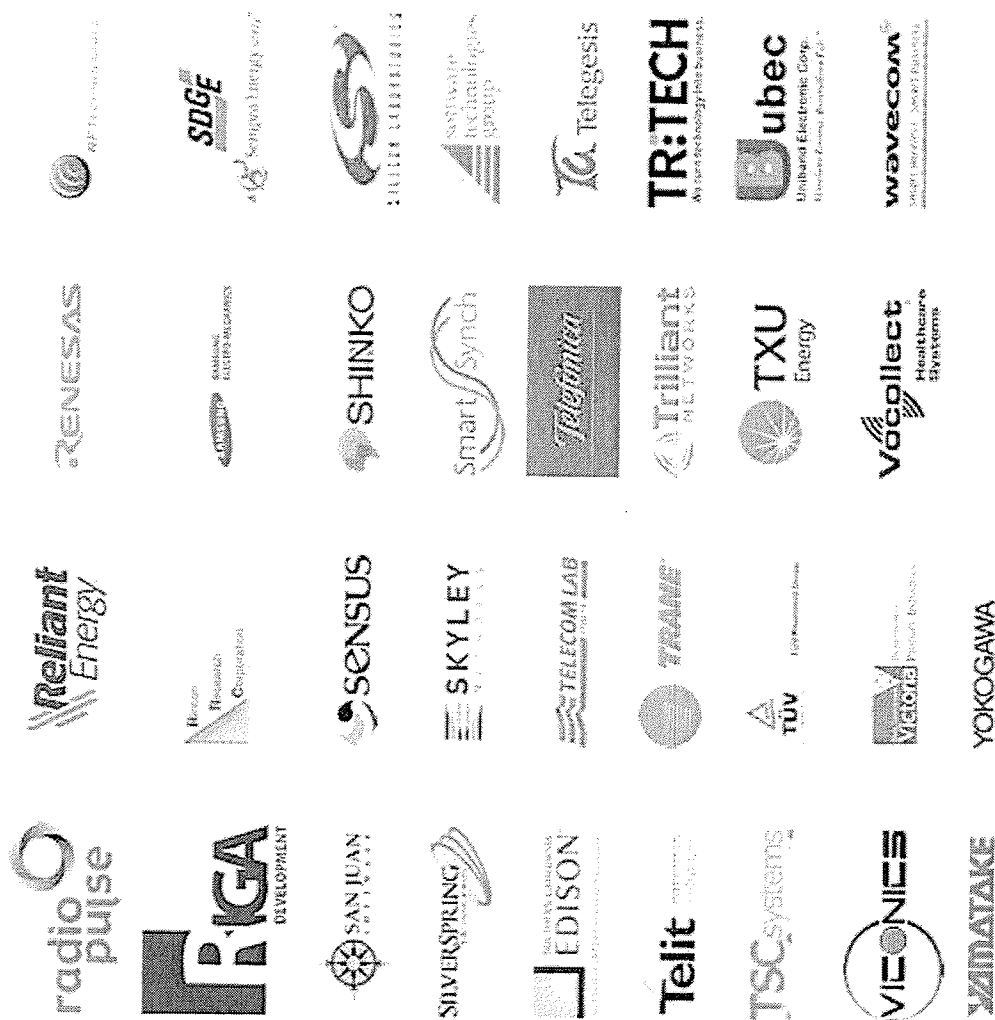
NEC NEC Engineering Ltd.

Neptune Technology
Group, Inc.



Oncor Electric Delivery





Adopters
4-NOKS, S.R.L.

Participants | Promoters
Aerocomm, Inc.

Air2App Wireless Telemetry, Inc.	ARCX, Inc.	Aurel S.p.A.
Autani Corporation	Awarepoint Corporation	Aztech Associates, Inc.
Bartech Systems International, Inc.	Betronic Nederland BV	Bond Communications
Centralite Systems, Inc.	Centre de Prototips i Solucions HW/SW - Universitat Autònoma de Barcelona	CEST
Chunghwa Telecom Co., Ltd.	Cincinnati Technologies	Cipher Systems, Inc.
CityGrow Technology Company Limited	Colorado vNet	ConMed Linvatec
Contec Co., Ltd.	Corporate Systems Engineering	Grabtree Electrical Accessories SA
Crestron Electronics, Inc.	CROW Electronic Engineering	Data Respons A/S
DBS Lodging Technologies, LLC	Delphi Medical Systems	Distech Controls
Domotic GmbH	dresden elektronik ingenieurtechnik gmbh	EDMI, Ltd.
Energy Aware Technology, Inc.	Energy, Inc.	Freestyle Energy, Ltd.
Greenbox Technology, Inc.	Helicomm, Inc.	Holy Stone Enterprise Co., Ltd.
Hotech Edge Limited	Hunter Fan Company	IBBT VZW
IBM Research GmbH	iControl, Inc.	iMonitor Research, Ltd.
IMST GmbH	Indesign, LLC	Industrial Interface, Ltd.
Infotech Enterprises Limited	Inncom International, Inc.	iRevo
J-S Co.Neurocom	KEPAR Electronica S.A.	KLG Systel, Ltd.
Knick Elektronische Meßgeräte GmbH & Co.	Larsen & Toubro Ltd.	Living Independently Group, Inc.
Lucerne University of Applied Sciences - CEESAR	Mambo Technologies, Ltd.	MechoShade Systems, Inc.
Melexis Connectivity Solutions	Millennium Electronics, PTY Ltd.	Mobilarm Pty, Ltd.

MU Net	Newport Electronics	Nitigata Seimitsu Co., Ltd.
Niles Audio Corporation	NMB Technologies Corporation	NURI Telecom Co., Ltd.
Oi Electric Co., Ltd.	Onity, Inc.	Onset Computer Corporation
Open Technologies 98	OPNET Technologies, Inc.	OPTO 22
Orbis Tecnologia Electronica S.A.	OS Technology, Inc.	Perytons, Ltd.
Piasim Corporation Pte., Ltd.	Point Six Wireless	PowerMand, Inc.
PRI Limited	Procept PTY, Ltd.	Profile Systems, LLC
Radiocrafts AS	Raymarine U.K. Limited	Remote Technologies, Inc. (RTI)
RF Arrays, Inc.	Rosenwach Tank, LLC	Satyam Computer Services, Ltd.
Saudi Aramco	Schindler Elevator Ltd.	Seasolve Software, Inc.
Sensor Switch, Inc.	SENTIENTZ LTD	Shenyang Institute of Automation
Silicon & Software Systems (S3)	Site Controls	SITEK SPA
SMS Tecnologia Electronica, Ltd.	Solidica, Inc.	Step One Limited
Synapse	Talon Communications, Inc.	Tanla Solutions Limited
Tantatus Systems Corporation	Technical Solutions, Inc.	Telenor R & I
Telkonet, Inc.	Tessolve Services Private Limited	Timelox AB
Truview Corp.	TTA (Telecommunications Technology Association)	UNIS, s r. o.
Universal Lighting Technologies	V2 Electronica SpA	V2 Telecom
VT Miltope Corporation	Wellspring Wireless	WhizNets, Inc.
Wireless Glue Networks, Inc.	Wireless Measurement, Ltd.	Yaskawa Information Systems Corporation
ZAO NTC TEK0		

